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March 14, 2025

VIA ECF

The Honorable Jesse M. Furman
 Thurgood Marshall United States Courthouse
 United States District Court for the Southern District of New York
 40 Foley Square
 New York, NY 10007

Re: *Kelly Toys v. 19885566 Store et. al., No. 22-cv-9384 (JMF)* (“*Kelly Toys I*”);
Kelly Toys Holdings, LLC v. Alialialill Store, et al., No. 21-cv-8434 (JMF) (“*Kelly Toys II*”); and *King Spider LLC v. 884886 CH Store, et al., No. 23-cv-3472 (JMF)* (“*King Spider*”)

Dear Judge Furman,

Epstein Drangel LLP is plaintiffs’ counsel in the three above-referenced matters and submits this letter jointly with counsel for Alibaba.com Singapore E-Commerce Pte. Ltd. (“Alibaba”) and AliExpress E-Commerce One Pte. Ltd. (“AliExpress,” and together, the “Alibaba Defendants”).¹ For the reasons set forth herein, the parties respectfully request permission to serve non-contention interrogatories in the above-referenced actions.

Section 9(c) of Your Honor’s case management plans in the above-referenced cases provides that “[u]nless otherwise ordered by the Court, contention interrogatories pursuant to Rule 33.3(c) of the Local Civil Rules of the Southern District of New York must be served no later than thirty (30) days before the close of discovery. *No other interrogatories are permitted except upon prior express permission of the Court.*” (emphasis added). (*Kelly Toys I*, Dkt. 144; *Kelly Toys II*, Dkt. 127; *King Spider*, Dkt. 129). The parties note that Judge Hellerstein, who previously presided over *Kelly Toys II*, permitted interrogatories under Local Rule 33.3(b), which provides that interrogatories may be served “if they are a more practical method of obtaining the information sought than a request for production or a deposition.” Judge Hellerstein set forth deadlines for serving those interrogatories in his case management plan in *Kelly Toys II*. (*Kelly Toys II*, Dkt. 110). Thus, the interrogatories served in *Kelly Toys II* were permitted and the parties have been and wish to continue aligning discovery across the cases.

The Parties agree that non-contention interrogatories may be the most efficient means of getting and providing discovery sought in the above-referenced actions and can narrow the scope of and number of depositions and help streamline discovery between the parties. To be sure, the parties are not seeking

¹ Alibaba.com is represented by Balance Law Firm in all three matters and AliExpress is represented by Weil, Gotshal & Manges LLP in the two *Kelly Toys* matters and Sidley Austin LLP in the *King Spider* matter.

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leave from the limitation on the number of interrogatories that a party may serve under Federal Rule of Civil Procedure 33.

Accordingly, the parties request permission to serve non-contention interrogatories in the *Kelly Toys I*, *Kelly Toys II* and *King Spider* actions by no later than thirty (30) days before the close of discovery, with all Parties reserving their respective rights to object to any specific interrogatories.

We thank the Court for its time and consideration. Counsel is available at the Court's convenience to address any questions or concerns raised by this joint request.

Respectfully submitted,



Jason Drangel

cc: All counsel of record (Via ECF)

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 129 in Case No. 21-cv-8434, ECF No. 185 in Case No. 22-cv-9384, and ECF No. 224 in Case No. 23-cv-3472.

SO ORDERED.



March 17, 2025

counselors